

**U.S. Department of Labor**

Office of Administrative Law Judges  
50 Fremont Street - Suite 2100  
San Francisco, CA 94105

(415) 744-6577  
(415) 744-6569 (FAX)



**Issue Date: 27 January 2004**

CASE NO.: 2003-LCA-00028

*In the Matter of:*

ROBERT E. REDDING,  
Prosecuting Party,

vs.

U.S. DEPARTMENT OF VETERANS AFFAIRS,  
Respondent,

Appearances: Robert Redding, pro se  
Prosecuting Party

Alan Duppler, Esq.  
For Respondent

Before: Jennifer Gee  
Administrative Law Judge

**INITIAL DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT**

This proceeding arises out of the employee protection provisions of the enforcement provisions of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(i)(b) and 1182(n) ("H-1B provisions") and its implementing regulations at 20 C.F.R. Part 655, Subparts H and I.

Robert Redding, the Complainant, filed a complaint under 20 C.F.R. § 655.801 with the Wage and Hour Division of the Employment Standards Administration of the Department of Labor alleging that he had been retaliated against for participating in an H-1B proceeding against the Department of Veterans Affairs Medical and Regional Office Center, the Respondent. After the investigation into the complaint was completed, the Administrator of the Wage and Hour Division notified the Complainant that he found no merit to the complaint. After receiving the adverse determination, the Complainant submitted a request for a hearing to the Chief Administrative Law Judge of the Office of Administrative Law Judges ("OALJ").

The hearing request was received on July 1, 2003, in Washington, D.C. and referred to the San Francisco OALJ office for trial. The trial was noticed for August 14, 2003, but that trial date was continued to October 28-29, 2003, at the joint request of the parties. The trial date was subsequently continued to December 9 and 10, 2003. It was continued again after the parties asked for the appointment of a settlement judge.

The parties have now reached a settlement of this matter and submitted a joint motion asking that this matter be dismissed. I have reviewed the settlement agreement which was submitted with the joint motion to dismiss and find that its terms are fair and reasonable.

The parties' joint request for dismissal of this action is GRANTED. It is ORDERED that this matter be DISMISSED pursuant to the terms of the settlement agreement submitted by the parties.

A

JENNIFER GEE  
Administrative Law Judge

#### NOTICE OF APPEAL RIGHTS

Pursuant to 20 CFR § 655.845, any party dissatisfied with this Decision and Order may appeal it to the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, by filing a petition to review the Decision and Order. The petition for review must be received by the Administrative Review Board within 30 calendar days of the date of the Decision and Order. Copies of the petition shall be served on all parties and on the administrative law judge.